

### REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-15 are pending in the present application, Claims 1-15 having been amended. Applicant respectfully submits that no new matter is added.<sup>1</sup>

In the outstanding Office Action, the Title was objected to as not complying with MPEP § 606; the Abstract was objected to as containing unnecessary legal phraseology; Claim 15 was rejected under 35 U.S.C. §112, second paragraph, as directed toward a hybrid process claim; Claims 1-7 and 15 were rejected under 35 U.S.C. §101 as directed towards nonstatutory subject matter; Claims 1-6, 8-13, and 15 were rejected under 35 U.S.C. §102(e) as anticipated by Goodman et al. (U.S. Patent No. 6,928,433 B2, hereinafter “Goodman”); and Claims 7 and 14 were rejected under 35 U.S.C. §103(a) as unpatentable over Goodman in view of Jennery et al. (U.S. Patent Application Publication No. 2003/0105847 A1, hereinafter “Jennery”).

Applicant has amended the Title in accordance with the Office Action. Applicant accordingly requests the withdrawal of the objection to the Title.

Applicant has deleted the Abstract and submits herewith a new Abstract. Applicant respectfully requests the withdrawal of the objection to the Abstract.

Applicant has amended Claim 15 to recite a “computer-readable, tangible, storage medium including a computer program,” which is statutory, according to MPEP § 2106. Accordingly, Applicant respectfully requests the withdrawal of the rejections of Claim 15 under 35 U.S.C. §112, second paragraph, and 35 U.S.C. §101.

Applicant has amended Claim 1 to clarify the components of the claimed apparatus. It is submitted that amended Claim 1 is directed to statutory subject matter. Accordingly,

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<sup>1</sup> The amendment to Claim 8 finds support at least in Figure 2 and in its accompanying text in the specification.

Applicant respectfully requests the withdrawal of the rejections of Claims 1-7 under 35 U.S.C. §101.

Independent Claims 1, 8, and 15 stand rejected under 35 U.S.C. §102(e) as anticipated by Goodman. Applicant respectfully traverses this rejection.

Claim 1 recites an information processing apparatus including a data processor, “said data processor being further configured to compare the acquired recorded data about the transferred contents with the content IDs of said contents stored in said memory in order to determine non-transferred contents which are established as the contents to be transferred to said external device.” Applicant respectfully submits that Goodman fails to disclose or suggest these features.

Goodman concerns a coupling in which “Once device 300 is coupled to host system 302, a user of host system 302 can launch a bridge interface to allow for the transfer of files between device 300 and host system 302.”<sup>2</sup> The Office asserts that the host system 302 corresponds to Figure 8 of Goodman.<sup>3</sup> Goodman shows in Figure 8 an embodiment in which “Various control buttons are displayed to the right of configuration window that facilitate quickly invoking selected processing on a selected track.”<sup>4</sup> That is, Goodman merely describes allowing for a transfer of files between devices and invoking selected processing.

Goodman also explains that “The host software running on a computer connected to the portable music player could be utilized to add missing attributes to the ‘Stardust’ track and, optionally, edit the title attribute.”<sup>5</sup> That is, Goodman merely describes adding or editing attributes of a track.

Thus, Goodman fails to disclose or suggest a comparison between data about files transferred to the device 300 and data of files stored in the host system 302. Therefore, there

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<sup>2</sup> Goodman, col. 11, ll. 29-31.

<sup>3</sup> Office Action at 4, l. 13.

<sup>4</sup> Goodman, at col. 8, at ll. 6-8.

<sup>5</sup> Id., col. 7, ll. 59-62.

is no teaching or suggestion in Goodman of "said data processor being further configured to compare the acquired recorded data about the transferred contents with the content IDs of said contents stored in said memory in order to determine non-transferred contents which are established as the contents to be transferred to said external device," as recited in Claim 1.

Accordingly, it is respectfully submitted that independent Claim 1 (and all associated dependent claims) patentably distinguishes over Goodman. It is further submitted that independent Claims 8 and 15 (and all associated dependent claims) patentably define over Goodman for the same reasons as discussed above with regard to Claim 1 and for the more detailed features presented in these claims.

Applicant further submits that Jennery fails to remedy the above-noted deficiencies in Goodman. Accordingly, the rejections of dependent Claims 7 and 14 are moot.

Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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